

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

TRUSTEES OF THE NORTH ATLANTIC  
STATES CARPENTERS HEALTH,  
PENSION, ANNUITY,  
APPRENTICESHIP AND LABOR  
MANAGEMENT COOPERATION  
FUNDS,

*Petitioners,*

– against –

GREENEBUILD LLC,

*Respondent.*

**MEMORANDUM & ORDER**  
2:24-cv-05060 (NCM) (LGD)

**NATASHA C. MERLE**, United States District Judge:

The Court has received the Report and Recommendation (“R&R”) on the instant case dated March 18, 2025, from the Honorable Lee G. Dunst, United States Magistrate Judge. ECF No. 12. Judge Dunst recommends that the Court confirm the arbitration award rendered pursuant to the terms of the Collective Bargaining Agreement (“CBA”) between petitioners Trustees of the North Atlantic States Carpenters Health, Pension, Annuity, Apprenticeship, and Labor Management Cooperation Funds, and respondent, Greenebuild LLC (“Award”). Judge Dunst also recommends that the Court grant the unopposed motion for summary judgment and enter judgment awarding petitioners: (1) \$70,220.32 pursuant to the award; (2) \$302.00 in attorney’s fees; and (3) \$490.00 in fees and costs arising out of the instant action. R&R 2. No objections have been filed.

**I. BACKGROUND**

Petitioners and respondent are parties to a collective bargaining agreement (“CBA”) and an Employer Contribution Audit and Collection Policy (“Collection Policy”). Petition (“Pet.”), ECF No. 1 ¶¶ 12–14. The CBA requires respondent to make contributions

to petitioners for all work performed on behalf of respondent that falls within the trade and geographical jurisdiction of the Union, and the Collection Policy requires respondent to submit to audits of its books and records upon petitioner's request to ensure compliance with the CBA. Pet. ¶¶ 10, 12–14. The Collection Policy requires the parties to submit to arbitration before a designated arbitrator if respondent fails to make required contributions. Pet. ¶ 15. Respondent is liable for all fees and costs incurred by petitioners in collecting delinquent contributions pursuant to the CBA and the Collection Policy. Pet. ¶ 16.

From July 1, 2022 to December 22, 2023, respondent failed to make required contributions totaling \$46,223.50. Pet. ¶ 19. Petitioners initiated arbitration to enforce the terms of the agreement and recover the delinquent contributions. Pet. ¶ 20. The designated arbitrator held a hearing and issued an award against respondent on April 24, 2024. Pet. ¶¶ 21–22. The arbitrator awarded petitioners \$70,220.32, consisting of the delinquent contributions, interest, liquidated damages, attorney's fees, arbitrator's fees, and audit costs. Pet. ¶ 22. Petitioners thereafter commenced the above captioned action on July 22, 2024, to confirm and enforce the arbitration award. *See* Pet. Respondent did not respond to the petition. Accordingly, on October 15, 2024, petitioners requested that the Court treat the petition as an unopposed motion for summary judgment. ECF No. 10. On October 22, 2024, the Court granted this request and referred the motion to Magistrate Judge Dunst for an R&R. *See* ECF Order dated Oct. 22, 2024. On March 18, 2025, Magistrate Judge Dunst recommended that the Court grant the unopposed motion for summary judgment, confirm the award, and enter judgment awarding petitioners: (1) \$70,220.32 pursuant to the award; (2) \$302.00 in attorney's fees; and (3) \$490.00 in fees and costs arising out of the instant action. R&R 2.

## II. DISCUSSION

The Court reviews “de novo any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3); *see also* *Brissett v. Manhattan & Bronx Surface Transit Operating Auth.*, No. 09-cv-00874, 2011 WL 1930682, at \*1 (E.D.N.Y. May 19, 2011), *aff’d*, 472 F. App’x 73 (2d Cir. 2012) (summary order). Where no timely objections have been filed, “the district court need only satisfy itself that there is no clear error on the face of the record.” *Finley v. Trans Union, Experian, Equifax*, No. 17-cv-00371, 2017 WL 4838764, at \*1 (E.D.N.Y. Oct. 24, 2017) (quoting *Estate of Ellington ex rel. Ellington v. Harbrew Imports Ltd.*, 812 F. Supp. 2d 186, 189 (E.D.N.Y. 2011)).

Having reviewed the record and the unopposed R&R, and finding no clear error, the Court adopts the R&R in its entirety as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

## III. CONCLUSION

Judge Dunst’s R&R is adopted in its entirety. Accordingly, the Clerk of Court is respectfully directed to enter judgment in favor of petitioners in the amount of \$70,220.32 pursuant to the arbitration award, \$302.00 in attorney’s fees, and \$490.00 in fees and costs. Petitioners are directed to mail a copy of this order to the respondent and file proof of service within five days.

**SO ORDERED.**

/s/ Natasha C. Merle  
NATASHA C. MERLE  
United States District Judge

Dated: May 22, 2025  
Brooklyn, New York